

REMARKS

I. Status of the Pending Claims

Claims 1-25 are pending in the application, all rejected. Claims 1, 17 and 25 have been amended above.

II. Rejection for Double Patenting

All claims stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-25 of copending application no. 10/226,979.

Applicants represent that the above-referenced patent application is commonly assigned with copending application no. 10/226,979, and file with this paper a Terminal Disclaimer in compliance with 37 C.F.R. § 121(c) to overcome the provisional rejection.

Applicants respectfully request that the provisional double patenting rejection now be withdrawn.

III. Claim Rejections – 35 USC §112 ¶2

Claim 25 has been rejected as indefinite. Claim 25 positively recites “the steps of claim 17.” The rejection asserts that the scope of the claim, styled in this manner, is unclear. Applicants respectfully disagree. The phrase “the steps of claim 17” is as free of ambiguity as is the recitation of the steps themselves.

However, in the spirit of cooperation and for purposes of reader convenience, Applicants have amended claim 25 to positively recite limitations that are also recited in claim 17.

IV. Claim Rejections – 35 USC §102

Claims 1-13, 15-22 and 24-25 stand rejected under 35 USC §102(b) over U.S. Patent No. 5,602,757 to Hasely et al. (Hasely).

The invention makes possible, and the pending claims are directed *inter alia* to, the provision of a machine fingerprinting function within an automation component for controlling movements of the machine.

Claims 1, 17 and 25 have been amended to more distinctly point out that the fingerprint function is implemented in an automation component for controlling the machine. Support for the is found at paragraphs [0020]-[0026] among other locations in the text and figures.

A rejection of a claim under 35 USC §102(b) as anticipated requires that each and every claim limitation be identically disclosed in a single prior art reference. The rejections of pending claims 1-13, 15-22 and 24-25 fail to meet that exacting burden, particularly for the claims as drawn in their current form. Applicants respectfully request that the rejections be withdrawn.

Briefly, Hasely relates to a stand-alone monitoring system for use with a given piece of machinery. Hasely does not disclose or suggest the recited “automation component” of representative claim 1, or of independent claims 17 and 25, or that the recited functionality for capture of fingerprints, or for selecting for measurement a plurality of movements to generate an electronic fingerprint, be performed by the automation component.

To the contrary, Hasely’s “microcontroller 20” does not perform any such functions. According to Hasely, “[s]erial port 30 permits the microcontroller 20 to communicate with another central processing unit or microcontroller, such as a microcontroller which may control operating functions of the compressor 10.” The cited

passages relied on in support of the application do not disclose the recited functions or evidence any grasp of recited features of the present invention.

Hasely teaches away from the present invention: It ensures that the functionality that allegedly discloses the fingerprint aspects of the present invention is *not* performed in an automation component, but in a separate discrete monitoring component. Hasely neither discloses nor suggests the presently claimed subject matter in all of its elements.

For this reason, claims 1, 17 and 25, now amended to more distinctly point out the present invention, recite subject matter that is patentable over the art of record. Applicants therefore respectfully requests that their rejection be withdrawn.

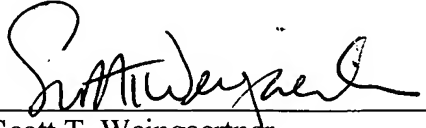
V. Conclusion

Claims 1-25 are pending in the application. Applicants submit that all of these pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge any additional required fees to Deposit Account No. 23-1703.

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Respectfully submitted,



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